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Patent Application Number: 09/941,909

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APPLICANT:	Jacob **BARAK** et al.	**GROUP:**	3764
SERIAL NO:	09/941,909	**EXAMINER:**	J. Yu
FILED:	August 29, 2001	**Confirmation Number:**	7948

FOR: PORTABLE AMBULANT PNEUMATIC COMPRESSION SLEEVE

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

LETTER

Enclosed herewith are an original and two copies of Appellant's Reply Brief in the above-identified application.

Respectfully submitted,

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Elizabeth M Ball
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

On behalf of

Jacob BARAK et al.

APPELLANTS

Application No.: **09/941,909** Examiner: **J. Yu**
Filed: **August 29, 2001** Group Art Unit: **3764**

Title: **PORTABLE AMBULANT PNEUMATIC COMPRESSION SLEEVE**

APPELLANT'S REPLY BRIEF

TABLE OF CONTENTS

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Commissioner for Patents
PO Box 1450
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REPLY BRIEF FOR APPELLANT

This Reply Brief is being submitted in response to the Examiner's Answer issued October 6, 2005 in connection with the above-identified application.

I. STATUS OF CLAIMS

Claims 1-141 have been previously presented in this application. Claims 1-28, 43-72, 83, and 84 have subsequently been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 29-42, 73-82, and 85-141 remain pending in the present application. Claims 29-42, 73-82, and 85-141 are appealed.

II. GROUNDS OF REJECTION TO BE REVIEWED

Rejection of Claims 92, 93, 96-98, 104, 112-116, 118, & 122-125 under 35 U.S.C. §102(b) over Ericson

Since the Examiner has withdrawn (1) the rejection of claims 29-33, 35, 36, 39-41, 73-75, 78-81, 83-90, 92-95, 97-103, 105, 108-110, 112-116, 118-128, 131-133, 135, & 138-140 under 35 U.S.C. §103 over Dye in view of Schneider and Ericson, (2) the rejection of claims 34, 42, 82, 91, 104, 111, 117, & 134 under 35 U.S.C. §103 over Dye in view of Schneider, Ericson, and Dye et al., (3) the rejection of claims 37, 38, 76, 77, 106, 107, 136, & 137 under 35 U.S.C. §103 over Dye in view of Schneider, Ericson, and Cariapa et al., (4) the rejection of claim 141 under 35 U.S.C. §103 over Dye in view of Schneider, Ericson, Dye et al., and Cariapa et al., the issue is whether claims 92, 93, 96-98, 104, 112-116, 118, and 122-125 are patentable in view of Ericson (US-A-3,424,151) in accordance with 35 U.S.C. §102(b).

III. ARGUMENTS

Rejection of Claims 92, 93, 96-98, 104, 112-116, 118, & 122-125 under 35 U.S.C. §102(b) over Ericson

Claims 92, 93, 96-98, 104, 112-116, 118, and 122-125 have been rejected under 35 U.S.C. §102(b) as being anticipated by Ericson (US-A-3,424,151). This rejection of claims 92, 93, 96-98, 104, 112-116, 118, and 122-125 under 35 U.S.C. §102(b) over the teachings of Ericson is respectfully traversed.

In formulating the rejection under 35 U.S.C. § 102(b), the Examiner alleges that Ericson discloses a device for applying pressure to a body limb having a primary axis, wherein the device comprising an inflatable cell. The Examiner further alleges that Ericson discloses an inflatable cell includes at least two intra-cell compartments, which are confluent with each intra-cell compartment being elongated in a direction of the primary axis. The Examiner also alleges that Ericson discloses that the adjacent intra-cell compartments are spatially fixed relative to each other such that upon inflation, the cell becomes circumferentially constricted.

To further support the rejection, the Examiner concludes, without providing any explicit evidence of actual teachings on the part of Ericson, that the inflatable cell of Ericson has a first center point circumference of $N\pi r$ when the intra-cell compartments are deflated and a second center point circumference $2Nr$ when the intra-cell compartments are inflated, the second center point circumference being less than the first center point circumference so as to provide circumferential constriction. The Examiner also concludes, again without providing any explicit evidence of actual teachings on the part of Ericson, that during inflation, the compartmental bonds are drawn toward each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction.

These positions by the Examiner are respectfully traversed.

ARGUMENTS WITH RESPECT TO INDEPENDENT CLAIM 92

With respect to independent claim 92, the claimed invention explicitly sets forth specific structure for the intra-cell compartments and the sleeve itself. More specifically, independent claim 92 expressly sets forth that the sleeve has a first intra-cell compartment center point circumference when the intra-cell compartments are deflated and a second intra-cell compartment center point circumference when the intra-cell compartments are inflated, the second intra-cell compartment center point circumference being less than the first intra-cell compartment center point circumference so as to provide for circumferential constriction, the first and second intra-cell compartment center point circumferences, each being defined as a line passing through each center points of each contiguous intra-cell compartment of an inflatable cell, and **the compartmental bonds of the intra-cell compartments, during inflation, are drawn towards each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction.**

In addressing the limitations of independent claim 92 directed to the circumferential dimensional relationship between inflated and deflated intra-cell compartments, the Examiner contends that the claimed spatial relationship between the compartmental bonds of the intra-cell compartments during inflation is taught by Ericson, notwithstanding the fact that Ericson is void of any teaching or showing of such a relationship.

As clearly taught by Ericson at column 3, lines 13-19, the inner wall **24** of the sleeve "moves segmentally axially toward the center of the sleeve," thereby allowing the inner wall **24** of the sleeve to collapse upon the extremity within the sleeve. Moreover, Ericson clearly teaches, at column 3, lines 20-25, that the outer wall **22** of the sleeve takes on, with full inflation, a triangular shape. For the sleeve to realize a triangular shape, the internally sealed areas **26** and **28** (what the Examiner alleges are the claimed compartmental bonds of the intra-cell compartments) must move apart.

More specifically, as illustrated by Figure 7 of Ericson, the sleeve is circular with the outer wall **22** of the sleeve forming an arc. A marked-up version of Figure 7 of Ericson is provided below to demonstrate the non-inflated state of the sleeve.

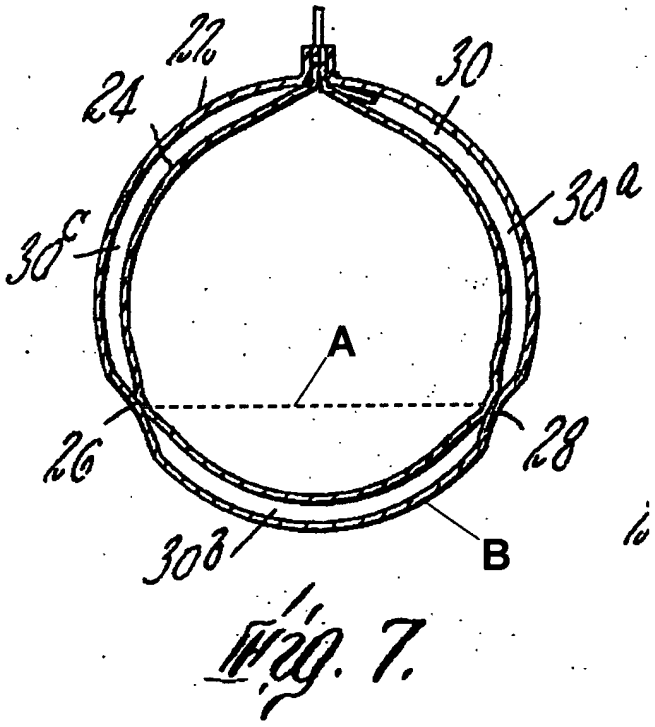

Fig. 7.

As illustrated above, the straight line distance, in marked-up Figure 7 of Ericson, between internally sealed areas **26** and **28** is represented by straight line or chord **A**. The length of the outer wall **22** between internally sealed areas **26** and **28** is represented by **B**.

As noted above, Ericson clearly teaches, at column 3, lines 20-25, that the outer wall **22** of the sleeve takes on, during inflation, a triangular shape. A marked-up version of Figure 9 of Ericson is provided below to demonstrate the inflated state of the sleeve.

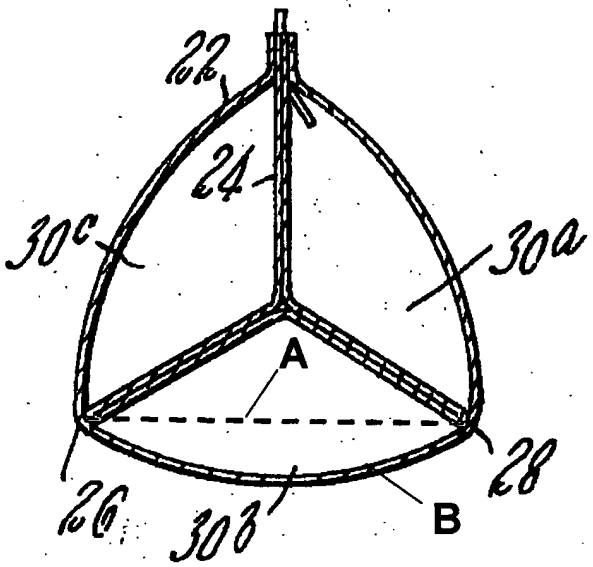

Fig. 9.

As illustrated above, the straight line distance, in marked-up Figure 9 of Ericson, between internally sealed areas **26** and **28** is represented by straight line or chord **A**. The length of the outer wall **22** between internally sealed areas **26** and **28** is represented by **B**.

It is noted that Ericson fails to teach that the length of the outer wall **22** shrinks or diminishes upon inflation. It is further noted that the length of an arc is greater than the chord between the end points of the arc. It is also noted that Ericson teaches that the outer wall **22** flattens to create a triangular shape; i.e., the curvature of the arc is diminished, thereby lengthening the corresponding chord between the end points of the arc.

Since Ericson fails to teach that the length of the outer wall **22** shrinks or diminishes upon inflation and the outer wall forming an arc **B** between two points **26** and **28** is flatten, the chord or straight line **A** between the two points **26** and **28** must increase because, as noted above, as the curvature of the arc is diminished, the corresponding chord between the end points of the arc must be lengthened.

In other words, the compartmental bonds **26** and **28** of Ericson, during inflation, are pushed away from each other to increase a distance therebetween, so as to prevent circumferential constriction. For this claimed spatial relationship to be realized by the sleeve of Ericson, the outer wall **22** of Ericson must, as the inner wall **24** moves inwardly, retain its arc shape and not become triangular, as taught by Ericson.

Ericson explicitly teaches and illustrates that the outer wall 22 moves inwardly, not outwardly, to be able to provide the taught triangular shape. This inward motion, as taught by Ericson, drives the compartmental bonds **26** and **28** apart, as the outer wall **22** goes from an arc shape to a more linear shape to form a triangular sleeve.

In summary, Ericson fails to explicitly teach or illustrate compartmental bonds **26** and **28** being drawn together because Ericson teaches that the compartmental bonds **26** and **28** are drawn apart so as to realize the triangular shaped sleeve.

Therefore, Ericson fails to anticipate that the compartmental bonds of the intra-cell compartments, during inflation, are drawn towards each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction, as set forth by independent claim 92.

ARGUMENTS WITH RESPECT TO DEPENDENT CLAIM 93

With respect to dependent claim 93, the claimed invention explicitly sets forth that the ratio of the second center point circumference to the first center point circumference is about 0.64.

Ericson teaches and illustrates that the compartmental bonds **26** and **28**, during inflation, are pushed away from each other to increase a distance therebetween, so as to prevent circumferential constriction. Thus, Ericson cannot anticipate that the ratio of the second center point circumference to the first center point circumference is about 0.64, nor has the Examiner provide any direct evidence that Ericson teaches that the ratio of the second center point circumference to the first center point circumference is about 0.64.

In summary, Ericson neither explicitly teaches nor illustrates that the ratio of the second center point circumference to the first center point circumference is about 0.64, as set forth by dependent claim 93.

ARGUMENTS WITH RESPECT TO INDEPENDENT CLAIM 97

With respect to independent claim 97, the claimed invention explicitly sets forth specific structure for the intra-cell compartments and the sleeve itself. More specifically, independent claim 97 expressly sets forth that the sleeve has a first intra-cell compartment center point circumference when the intra-cell compartments are deflated and a second intra-cell compartment center point circumference when the intra-cell compartments are inflated, the second intra-cell compartment center point circumference being less than the first intra-cell compartment center point circumference so as to provide for circumferential constriction, the first and second intra-cell compartment center point circumferences, each being defined as a line passing through each center points of each contiguous intra-cell compartment of an inflatable cell, and **the compartmental bonds of the intra-cell compartments, during inflation, are drawn towards each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction.**

In addressing the limitations of independent claim 92 directed to the circumferential dimensional relationship between inflated and deflated intra-cell compartments, the Examiner contends that the claimed spatial relationship between the compartmental bonds of the intra-cell compartments during inflation is taught by Ericson, notwithstanding the fact that Ericson is void of any teaching or showing of such a relationship.

As clearly taught by Ericson at column 3, lines 13-19, the inner wall **24** of the sleeve "moves segmentally axially toward the center of the sleeve," thereby allowing the inner wall **24** of the sleeve to collapse upon the extremity within the sleeve. Moreover, Ericson clearly teaches, at column 3, lines 20-25, that the outer wall **22** of the sleeve takes on, with full inflation, a triangular shape. For the sleeve to realize a triangular shape, the internally sealed areas **26** and **28** (what the Examiner alleges are the claimed compartmental bonds of the intra-cell compartments) must move apart.

More specifically, as illustrated by Figure 7 of Ericson, the sleeve is circular with the outer wall **22** of the sleeve forming an arc. A marked-up version of Figure 7 of Ericson is provided below to demonstrate the non-inflated state of the sleeve.

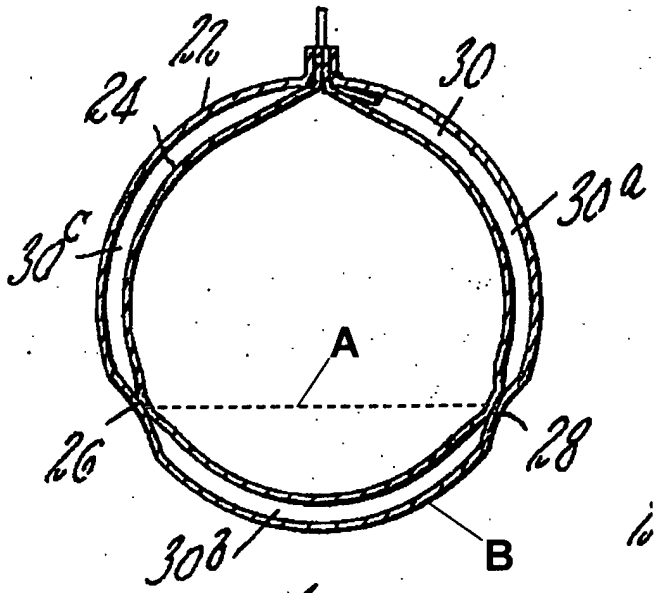

Fig. 7.

As illustrated above, the straight line distance, in marked-up Figure 7 of Ericson, between internally sealed areas **26** and **28** is represented by straight line or chord **A**. The length

of the outer wall **22** between internally sealed areas **26** and **28** is represented by **B**.

As noted above, Ericson clearly teaches, at column 3, lines 20-25, that the outer wall **22** of the sleeve takes on, during inflation, a triangular shape. A marked-up version of Figure 9 of Ericson is provided below to demonstrate the inflated state of the sleeve.

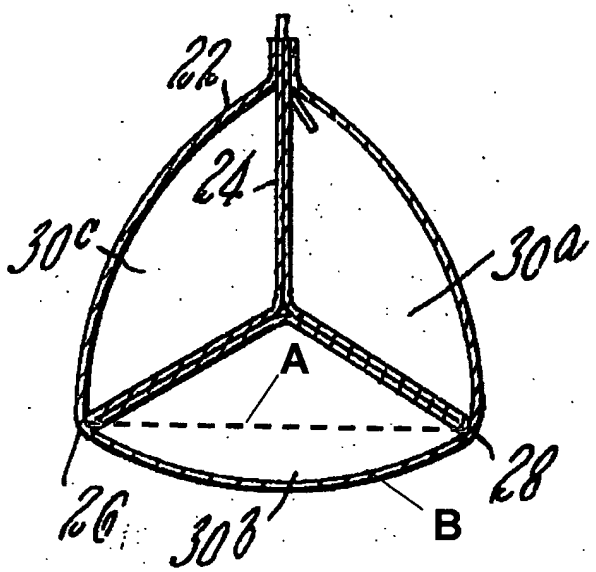

Fig. 9.

As illustrated above, the straight line distance, in marked-up Figure 9 of Ericson, between internally sealed areas **26** and **28** is represented by straight line or chord **A**. The length of the outer wall **22** between internally sealed areas **26** and **28** is represented by **B**.

It is noted that Ericson fails to teach that the length of the outer wall **22** shrinks or diminishes upon inflation. It is further noted that the length of an arc is greater than the chord between the end points of the arc. It is also noted that Ericson teaches that the outer wall **22** flattens to create a triangular shape; i.e., the curvature of the arc is diminished, thereby

lengthening the corresponding chord between the end points of the arc.

Since Ericson fails to teach that the length of the outer wall **22** shrinks or diminishes upon inflation and the outer wall forming an arc **B** between two points **26** and **28** is flatten, the chord or straight line **A** between the two points **26** and **28** must increase because, as noted above, as the curvature of the arc is diminished, the corresponding chord between the end points of the arc must be lengthened.

In other words, the compartmental bonds **26** and **28** of Ericson, during inflation, are pushed away from each other to increase a distance therebetween, so as to prevent circumferential constriction. For this claimed spatial relationship to be realized by the sleeve of Ericson, the outer wall **22** of Ericson must, as the inner wall **24** moves inwardly, retain its arc shape and not become triangular, as taught by Ericson.

Ericson explicitly teaches and illustrates that the outer wall 22 moves inwardly, not outwardly, to be able to provide the taught triangular shape. This inward motion, as taught by Ericson, drives the compartmental bonds **26** and **28** apart, as the outer wall **22** goes from an arc shape to a more linear shape to form a triangular sleeve.

In summary, Ericson fails to explicitly teach or illustrate compartmental bonds **26** and **28** being drawn together because Ericson teaches that the compartmental bonds **26** and **28** are drawn apart so as to realize the triangular shaped sleeve.

Therefore, Ericson fails to anticipate that the compartmental bonds of the intra-cell compartments, during inflation, are drawn towards each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction, as set forth by independent claim 97.

ARGUMENTS WITH RESPECT TO DEPENDENT CLAIM 98

With respect to dependent claim 98, the claimed invention explicitly sets forth that the ratio of the second center point circumference to the first center point circumference is about 0.64.

Ericson teaches and illustrates that the compartmental bonds **26** and **28**, during inflation, are pushed away from each other to increase a distance therebetween, so as to prevent circumferential constriction. Thus, Ericson cannot anticipate that the ratio of the second center point circumference to the first center point circumference is about 0.64, nor has the Examiner provide any direct evidence that Ericson teaches that the ratio of the second center point circumference to the first center point circumference is about 0.64.

In summary, Ericson neither explicitly teaches nor illustrates that the ratio of the second center point circumference to the first center point circumference is about 0.64, as set forth by dependent claim 98.

ARGUMENTS WITH RESPECT TO INDEPENDENT CLAIM 112

With respect to independent claim 112, the claimed invention explicitly sets forth specific structure for the intra-cell compartments and the sleeve itself. More specifically, independent claim 112 expressly sets forth that the sleeve has a first center point circumference when the intra-cell compartments are deflated, and that the sleeve has a second center point circumference when the intra-cell compartments are inflated wherein the center point circumference is a line passing through each center point of each adjacent intra-cell compartment of the inflatable cell, and the second center point circumference is less than the first center point circumference, and **the compartmental bonds, during inflation, are drawn towards each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction.**

In addressing the limitations of independent claim 92 directed to the circumferential dimensional relationship between inflated and deflated intra-cell compartments, the Examiner contends that the claimed spatial relationship between the compartmental bonds of the intra-cell compartments during inflation is taught by Ericson, notwithstanding the fact that Ericson is void

of any teaching or showing of such a relationship.

As clearly taught by Ericson at column 3, lines 13-19, the inner wall **24** of the sleeve "moves segmentally axially toward the center of the sleeve," thereby allowing the inner wall **24** of the sleeve to collapse upon the extremity within the sleeve. Moreover, Ericson clearly teaches, at column 3, lines 20-25, that the outer wall **22** of the sleeve takes on, with full inflation, a triangular shape. For the sleeve to realize a triangular shape, the internally sealed areas **26** and **28** (what the Examiner alleges are the claimed compartmental bonds of the intra-cell compartments) must move apart.

More specifically, as illustrated by Figure 7 of Ericson, the sleeve is circular with the outer wall **22** of the sleeve forming an arc. A marked-up version of Figure 7 of Ericson is provided below to demonstrate the non-inflated state of the sleeve.

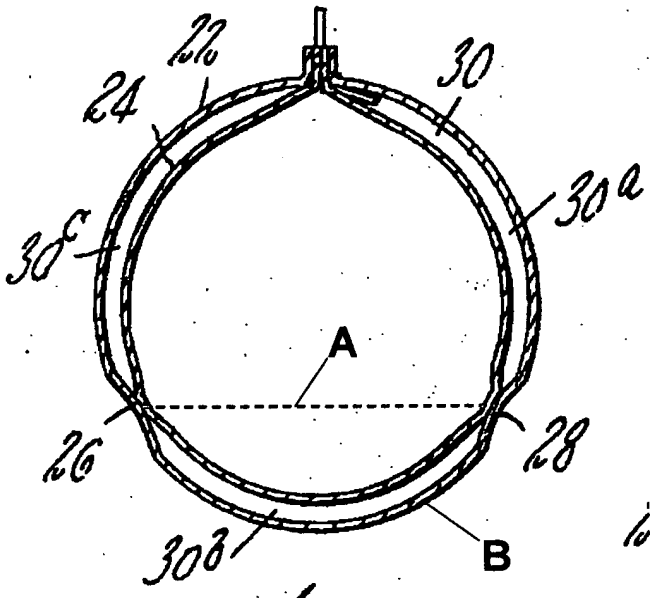

Fig. 7.

As illustrated above, the straight line distance, in marked-up Figure 7 of Ericson, between internally sealed areas **26** and **28** is represented by straight line or chord **A**. The length of the outer wall **22** between internally sealed areas **26** and **28** is represented by **B**.

As noted above, Ericson clearly teaches, at column 3, lines 20-25, that the outer wall **22** of the sleeve takes on, during inflation, a triangular shape. A marked-up version of Figure 9 of Ericson is provided below to demonstrate the inflated state of the sleeve.

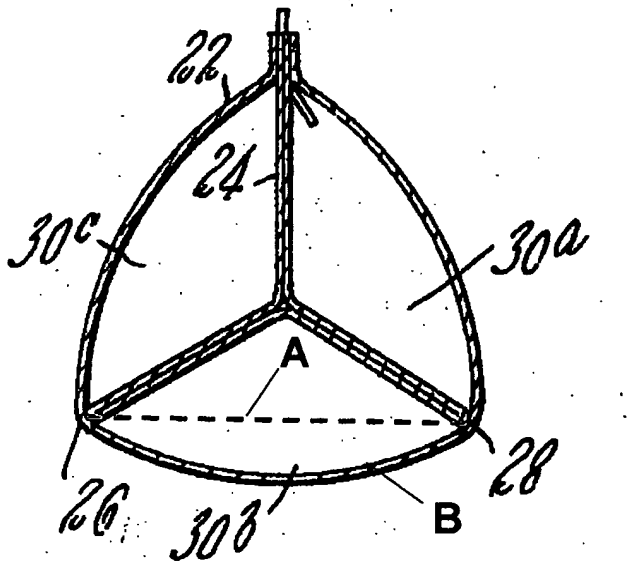

Fig. 9.

As illustrated above, the straight line distance, in marked-up Figure 9 of Ericson, between internally sealed areas **26** and **28** is represented by straight line or chord **A**. The length of the outer wall **22** between internally sealed areas **26** and **28** is represented by **B**.

It is noted that Ericson fails to teach that the length of the outer wall **22** shrinks or diminishes upon inflation. It is further noted that the length of an arc is greater than the chord

between the end points of the arc. It is also noted that Ericson teaches that the outer wall **22** flattens to create a triangular shape; i.e., the curvature of the arc is diminished, thereby lengthening the corresponding chord between the end points of the arc.

Since Ericson fails to teach that the length of the outer wall **22** shrinks or diminishes upon inflation and the outer wall forming an arc **B** between two points **26** and **28** is flatten, the chord or straight line **A** between the two points **26** and **28** must increase because, as noted above, as the curvature of the arc is diminished, the corresponding chord between the end points of the arc must be lengthened.

In other words, the compartmental bonds **26** and **28** of Ericson, during inflation, are pushed away from each other to increase a distance therebetween, so as to prevent circumferential constriction. For this claimed spatial relationship to be realized by the sleeve of Ericson, the outer wall **22** of Ericson must, as the inner wall **24** moves inwardly, retain its arc shape and not become triangular, as taught by Ericson.

Ericson explicitly teaches and illustrates that the outer wall 22 moves inwardly, not outwardly, to be able to provide the taught triangular shape. This inward motion, as taught by Ericson, drives the compartmental bonds **26** and **28** apart, as the outer wall **22** goes from an arc shape to a more linear shape to form a triangular sleeve.

In summary, Ericson fails to explicitly teach or illustrate compartmental bonds **26** and **28** being drawn together because Ericson teaches that the compartmental bonds **26** and **28** are drawn apart so as to realize the triangular shaped sleeve.

Therefore, Ericson fails to anticipate that the compartmental bonds of the intra-cell compartments, during inflation, are drawn towards each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction, as set forth by independent claim 112.

ARGUMENTS WITH RESPECT TO DEPENDENT CLAIM 113

With respect to dependent claim 113, the claimed invention explicitly sets forth that the center point circumference is decreased upon inflation by about 36%.

Ericson teaches and illustrates that the compartmental bonds **26** and **28**, during inflation, are pushed away from each other to increase a distance therebetween, so as to prevent circumferential constriction. Thus, Ericson cannot anticipate that center point circumference is decreased upon inflation by about 36%, nor has the Examiner provide any direct evidence that Ericson teaches that center point circumference is decreased upon inflation by about 36%.

In summary, Ericson neither explicitly teaches nor illustrates that the center point circumference is decreased upon inflation by about 36%, as set forth by dependent claim 113.

ARGUMENTS WITH RESPECT TO INDEPENDENT CLAIM 122

With respect to independent claim 122, the claimed invention explicitly sets forth specific structure for the intra-cell compartments and the sleeve itself. More specifically, independent claim 122 expressly sets forth that the sleeve has a first center point circumference when the intra-cell compartments are deflated, and that the sleeve has a second center point circumference when the intra-cell compartments are inflated wherein the center point circumference is a line passing through each center point of each adjacent intra-cell compartment of the inflatable cell, and the second center point circumference is less than the first center point circumference, and the second center point circumference is less than the first center point circumference, and **the compartmental bonds, during inflation, are drawn towards each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction.**

In addressing the limitations of independent claim 92 directed to the circumferential dimensional relationship between inflated and deflated intra-cell compartments, the Examiner contends that the claimed spatial relationship between the compartmental bonds of the intra-cell compartments during inflation is taught by Ericson, notwithstanding the fact that Ericson is void of any teaching or showing of such a relationship.

As clearly taught by Ericson at column 3, lines 13-19, the inner wall **24** of the sleeve "moves segmentally axially toward the center of the sleeve," thereby allowing the inner wall **24** of the sleeve to collapse upon the extremity within the sleeve. Moreover, Ericson clearly teaches, at column 3, lines 20-25, that the outer wall **22** of the sleeve takes on, with full inflation, a triangular shape. For the sleeve to realize a triangular shape, the internally sealed areas **26** and **28** (what the Examiner alleges are the claimed compartmental bonds of the intra-cell compartments) must move apart.

More specifically, as illustrated by Figure 7 of Ericson, the sleeve is circular with the outer wall **22** of the sleeve forming an arc. A marked-up version of Figure 7 of Ericson is provided below to demonstrate the non-inflated state of the sleeve.

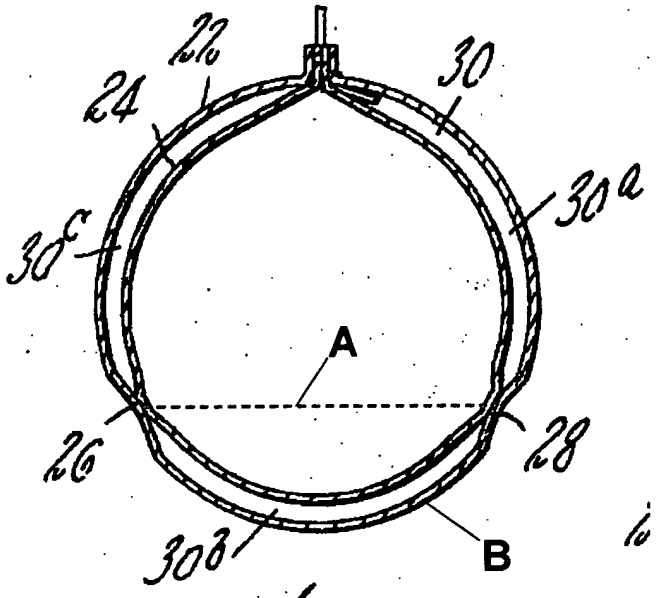

Fig. 7.

As illustrated above, the straight line distance, in marked-up Figure 7 of Ericson, between internally sealed areas **26** and **28** is represented by straight line or chord **A**. The length of the outer wall **22** between internally sealed areas **26** and **28** is represented by **B**.

As noted above, Ericson clearly teaches, at column 3, lines 20-25, that the outer wall **22** of the sleeve takes on, during inflation, a triangular shape. A marked-up version of Figure 9 of Ericson is provided below to demonstrate the inflated state of the sleeve.

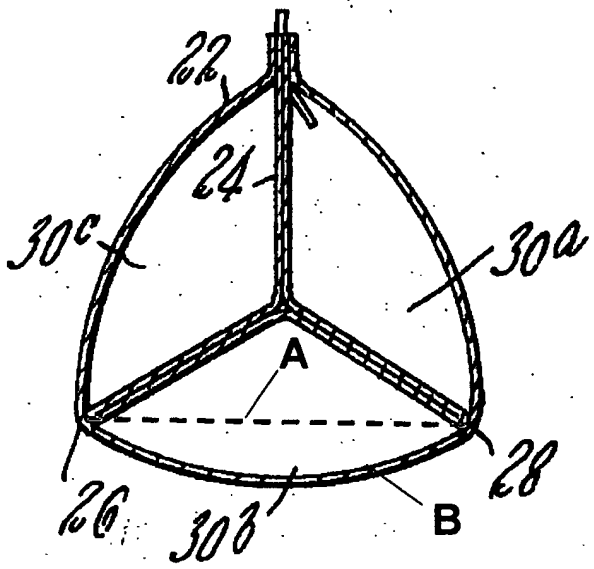

Fig. 9.

As illustrated above, the straight line distance, in marked-up Figure 9 of Ericson, between internally sealed areas **26** and **28** is represented by straight line or chord **A**. The length of the outer wall **22** between internally sealed areas **26** and **28** is represented by **B**.

It is noted that Ericson fails to teach that the length of the outer wall **22** shrinks or diminishes upon inflation. It is further noted that the length of an arc is greater than the chord between the end points of the arc. It is also noted that Ericson teaches that the outer wall **22** flattens to create a triangular shape; i.e., the curvature of the arc is diminished, thereby lengthening the corresponding chord between the end points of the arc.

Since Ericson fails to teach that the length of the outer wall **22** shrinks or diminishes upon inflation and the outer wall forming an arc **B** between two points **26** and **28** is flatten, the chord or straight line **A** between the two points **26** and **28** must increase because, as noted above, as the curvature of the arc is diminished, the corresponding chord between the end points of the arc

must be lengthened.

In other words, the compartmental bonds **26** and **28** of Ericson, during inflation, are pushed away from each other to increase a distance therebetween, so as to prevent circumferential constriction. For this claimed spatial relationship to be realized by the sleeve of Ericson, the outer wall **22** of Ericson must, as the inner wall **24** moves inwardly, retain its arc shape and not become triangular, as taught by Ericson.

Ericson explicitly teaches and illustrates that the outer wall 22 moves inwardly, not outwardly, to be able to provide the taught triangular shape. This inward motion, as taught by Ericson, drives the compartmental bonds **26** and **28** apart, as the outer wall **22** goes from an arc shape to a more linear shape to form a triangular sleeve.

In summary, Ericson fails to explicitly teach or illustrate compartmental bonds **26** and **28** being drawn together because Ericson teaches that the compartmental bonds **26** and **28** are drawn apart so as to realize the triangular shaped sleeve.

Therefore, Ericson fails to anticipate that the compartmental bonds of the intra-cell compartments, during inflation, are drawn towards each other to decrease a distance therebetween and towards the center point of the intra-cell compartments to decrease a distance therebetween, so as to provide for circumferential constriction, as set forth by independent claim 122.

ARGUMENTS WITH RESPECT TO DEPENDENT CLAIM 123

With respect to dependent claim 123, the claimed invention explicitly sets forth that the center point circumference is decreased upon inflation by about 36%.

Ericson teaches and illustrates that the compartmental bonds **26** and **28**, during inflation, are pushed away from each other to increase a distance therebetween, so as to prevent circumferential constriction. Thus, Ericson cannot anticipate that center point circumference is decreased upon inflation by about 36%, nor has the Examiner provide any direct evidence that Ericson teaches that center point circumference is decreased upon inflation by about 36%.

In summary, Ericson neither explicitly teaches nor illustrates that the center point circumference is decreased upon inflation by about 36%, as set forth by dependent claim 123.

IX. CONCLUSION

Accordingly, for all the reasons set forth above, the Honorable Board is respectfully requested to reverse all the rejection under 35 U.S.C. §102(b) over Ericson. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,

Matthew E. Connors
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